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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,718	12/08/2003	Pierre G.A. Lecoq	3632.002A	3957
24040	7590	01/25/2006		
DENNIS G. LAPOINTE LAPOINTE LAW GROUP, PL PO BOX 1294 TARPON SPRINGS, FL 34688-1294			EXAMINER VANTERPOOL, LESTER L	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/730,718	LECOQ, PIERRE G.A.	
	Examiner	Art Unit	
	Lester L. Vanterpool	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Regarding claims 1 & 6, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Mauro et al., (U.S. Patent Number 5419478). Mauro et al., discloses the tray having the bottom wall portion (42 & 44) and the front wall portion, the rear wall portion, and the pair of side walls (48/50 & 62/64) (See Figure 1); wherein the tray defines the receiver to securely insert the bottom portion of the cooler (12) (See Figure 1); the vehicle having an exposed steering column (See Figure 2), wherein, the steering column is disposed at

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a predetermined angle of inclination relative to the vertical plane (See Figure 2); the tray further comprising the steering column mounting portion having the steering column receiving channel (46) formed under the bottom wall portion in the steering column mounting portion (See Figure 1); wherein, the steering column-receiving channel (46) is formed substantially in the center of the steering column mounting portion (See Figure 1); wherein, the steering column-receiving channel is formed at a predetermined angle relative to the vertical plane when the bottom wall portion is disposed in a substantially parallel relationship to a horizontal plane (See Figure 2), wherein, the predetermined angle is substantially equal to the predetermined angle of inclination of the steering column (See Figure 2); and attachments to attach the tray to the steering column to position the bottom wall portion of the tray in the substantially parallel relationship to the horizontal plane when it is attached (See Figure 2), wherein, the tray is formed and dimensioned between the front wall portion, the rear wall portion and the side wall portions to receive an associated cooler, which snugly fits into the tray. See Figure 2.

Regarding claim 2, as stated above in claim 1, Mauro et al., discloses the bracket assembly having an elongated portion which, includes the longitudinal semi-circular portion (36) that engages the steering wheel column in a sandwiched relation with the steering wheel column-receiving channel (46) (column 3, line 1 – 3); and the bracket assembly further includes the flange portion (32 & 34) on each side of the longitudinal semi-circular portion with a plurality of spaced-apart apertures (39) where fasteners are inserted to secure the tray to the steering column. See Figure 3.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 & 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al., (U.S. Patent Number 5419478) in view of Bookman (U.S. Patent Number 1567903). Mauro discloses the invention substantially as claimed. However, Mauro does not disclose the two elongated members, wherein, each having a plurality of spaced-apart apertures corresponding to the apertures in the flange portion; the elongate members formed to be placed inside a hollow recessed portion formed in the steering column mounting portion of the tray, so as to act as a washer and spacer between a fastener nut and a surface of the hollow portion of the steering column mounting portion. Bookman teaches two elongated members (8 & 9), each having a plurality of spaced-apart apertures in the flange portions (See Figure 1); the elongated members (8 & 9) formed to be placed inside the hollow recessed portion formed in the steering column mounting portion of the tray, so as to act as a washer and spacer between the fastener nut and surface of the hollow portion. See Figure 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the bracket assembly as taught by Bookman in order to adequately anchor the tray to the steering column.

Regarding claim 4, as stated above in claim 3, Bookman teaches the two elongated members (8 & 9) each have aligned with the spaced-apart apertures, fastener nut (20) recessed securement formed to the shape of the fastener nut to hold each fastener nut in place when tightening each fastener bolt (20). See Figure 1.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al., (U.S. Patent Number 5419478) in view of Marinoni (6178595) as applied to claim 3 above, and further in view of Dickison et al., (U.S. Patent Number 6116266). Mauro et al., and Marinoni discloses the invention substantially as claimed. However, Mauro and Marinoni do not disclose with at least one drain hole at the bottom of the hollow portion. Dickison et al., teaches at least one drain hole (17) at the bottom of the hollow portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a tray as taught by Dickison in order to enhance proper venting and remove unwanted elements.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al., (U.S. Patent Number 5419478) in view of Marinoni (6178595) as applied in claim 3 above, and further in view of Maguire (U.S. Patent Number 6408790). Mauro et al., and Marinoni discloses the invention substantially as claimed. However, Mauro et al., and Marinoni do not disclose a removable cover on the bottom wall portion of the tray, wherein, the cover can be temporarily removed to gain access to the inside of the

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hollow portion. Maguire teaches the removable cover (38) on the bottom wall portion (58) of the tray (2), wherein the cover (38) can be temporarily removed to gain access to the inside of the hollow portion. See Figure 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the tray as taught by Maquire in order to adequately clean the inside of the tray and prevent mold build up, scum build up and odor.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mauro et al., (U.S. Patent Number 5419478) in view of Blackman (U.S. Patent Number 4836403). Mauro et al., discloses the invention substantially as claimed. However, Mauro et al., does not disclose at least one drink holder attached to an external wall surface of one of the front wall portion, the pair of sidewall portions and combinations thereof. Blackman teaches at least one drink holder (23) attached to an external wall surface of one of the front wall portion, the pair of sidewall portions and combinations thereof. See Figures 13 & 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make a tray as taught by Blackman in order to enhance and make the tray multi-functional.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-


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272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LLV


JES F. PASCUA
PRIMARY EXAMINER